

FILED
APR 04 2018
CITY CLERK

SPECIAL ORDINANCE NO. 3, 2018

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDERED by the Common Council of the City of Terre Haute, Indiana.

SECTION 1. Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

A portion of a public alley in Fort Harrison Place, being a subdivision of part of the Northeast quarter of Section 10, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, page 28 in the Recorder's Office of Vigo County, Indiana, more particularly described as follows:

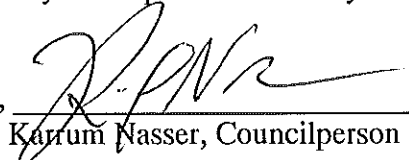
Commencing at a point at the Northwest corner of Lot 33 in Fort Harrison Place, being a subdivision of part of the Northeast quarter of Section 10, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, page 28 in the Recorder's Office of Vigo County, Indiana; thence East along the North boundary line of said Lot 33 to the Northeast corner of said Lot 33; thence North to the Southeast corner of Lot 1 in said Fort Harrison Place; thence West approximately 132 feet, more or less, along the South boundary line of Lots 1-4 in said Fort Harrison Place; thence South to the place of beginning.

Commonly known as: Portion of Vacated Alley North 3214 N. 14th Street, Terre Haute, Indiana 47804.

SECTION 2. Be it further ordained that said portion of said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

SECTION 3. Be it further ordained that the City Clerk be, and he is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, 
Karum Nasser, Councilperson

Passed in open Council this ____ day of _____, 2018.

Curtis DeBaun, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this ____ day of _____, 2018.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2018.

Duke Bennett, Mayor

ATTEST:

Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

PETITION FOR VACATION OF PORTION OF A PUBLIC ALLEY

TO THE PRESIDENT AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF TERRE
HAUTE, VIGO COUNTY, INDIANA

LADIES AND GENTLEMEN:

The undersigned, Maria Mercedes Gonzales, Vice President of Rumagon Enterprises, Inc. is the owner of land abutting a certain Public Alley platted, which is located in Terre Haute, Indiana and respectfully petition and request the legislative body of the City of Terre Haute, Indiana to vacate that portion of a Public Alley described below pursuant to the various provisions of I.C. 36-7-3-12, and in support of this Petition would show to the Common Council of said City as follows:

1. The undersigned, Maria Mercedes Gonzales, Vice President of Rumagon Enterprises, Inc., the Petitioner herein, is the owner of the following described real estate located in Vigo County, State of Indiana:

Lot Number Thirty-two (32) and Thirty-three (33) in Fort Harrison Place, being a subdivision of part of the Northeast quarter of Section 10, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, page 28 in the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as: 3214 N. 14th Street, Terre Haute, Indiana 47804.

2. That a copy of a portion of the plat of the said Public Alley which runs along the north side of Owner's property is attached hereto, made a part hereof and is marked as Exhibit A.

3. That the portion of the Public Alley to be vacated as set forth above may be more particularly described as follows, to-wit:

A portion of a public alley in Fort Harrison Place, being a subdivision of part of the Northeast quarter of Section 10, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, page 28 in the Recorder's Office of Vigo County, Indiana, more particularly described as follows:

Commencing at a point at the Northwest corner of Lot 33 in Fort Harrison Place, being a subdivision of part of the Northeast quarter of Section 10, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, page 28 in the Recorder's Office of Vigo County, Indiana; thence East along the North boundary line of said Lot 33 to the Northeast corner of said Lot 33; thence North to the Southeast corner of Lot 1 in said Fort Harrison Place; thence West approximately 132 feet, more or less, along the South boundary line of Lots 1-4 in said Fort Harrison Place; thence South to the place of beginning.

Commonly known as: Portion of Vacated Alley North of 3214 N. 14th Street, Terre Haute, Indiana 47804.

6. Petitioner believes that no landowner adjoining and abutting the Public Alley to be vacated would be adversely affected by the vacation of said Public Alley, since the real estate is the said Public Alley does not nor will not serve a functional purpose to the public.

7. Petitioner proposes the vacation of the Public Alley in order to allow more efficient and effective use of Petitioner's real estate.

8. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the Public Alley is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Alley; as set forth above, the proposed vacation of said portion of said Public Alley would not make access to any land by any person by means of a public way difficult or inconvenient; nor would said vacation hinder any member of the public's access to a church, school or other public building or place, nor will it interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.

9. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioner and Skyler J. Bartos and Elizabeth M.

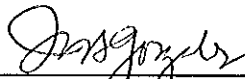
Bartos. That notice of said vacation has been sent by USPS Certified Mail to Skyler J. Bartos and Elizabeth M. Bartos at their address.

WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- a) Adopt an Ordinance vacating that portion of the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- b) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording and to the county Auditor, and to thereupon cause the Recorder to release said Ordinance to the Vigo County Area Planning Department for distribution in accordance with the City's Zoning Ordinance and Subdivision Code.
- c) For all other proper relief in the premises.

PETITIONER:

RUMAGON ENTERPRISES, INC.

By: 
Maria Mercedes Gonzales, Vice President

Petitioner's Address: 1164 S. Ravine Street, Terre Haute, Indiana 47802.

This instrument prepared by Richard J. Shagley II, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

FOR TAXATION

EXHIBIT A

NOV 03 1995 95 15197

004323

Judith Anderson
AUDITOR VIGO COUNTY

WARRANTY DEED

THIS INDENTURE WITNESSETH, that Karen Sue McGee, of Vigo County, in the State of Indiana, (hereinafter referred to as Grantor), for and in consideration of the sum of One and No/100 Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEYS and WARRANTS unto Runyon Enterprises, Inc., of Vigo County, in the State of Indiana, (hereinafter referred to as Grantee), the following described REAL ESTATE located in the County of Vigo, State of Indiana, to-wit:

✓ Lots Number Thirty-two (32) and Thirty-three (33) in Fort Harrison Place, being a subdivision of part of the Northeast quarter of Section 10, Township 12 North, Range 9 West, as per recorded plat in Plat Record 13, page 28 in the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to the taxes prorated from the date hereof.

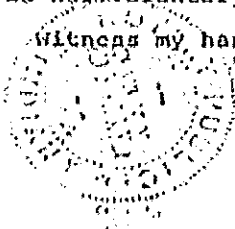
IN WITNESS WHEREOF, the above referred to Grantor has herunto set her hand and seal, this 1st day of November, 1995.

Karen Sue McGee
Karen Sue McGee

===== STATE OF INDIANA, VIGO COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 1st day of November, 1995, personally appeared Karen Sue McGee, and acknowledged this conveyance to be her voluntary act and deed.

Witness my hand and Notarial Seal.



RECEIVED FOR RECORD
AT 10:30 O'CLOCK A.M.
RECORD 442 PAGE 4323
Mary Alice McGee
Notary Public

NOV 3 1995

Nancy Bernhardt Mary Alice McGee
Printed Name

My Commission Expires RECORDED VIGO COUNTY My County of Residence is:

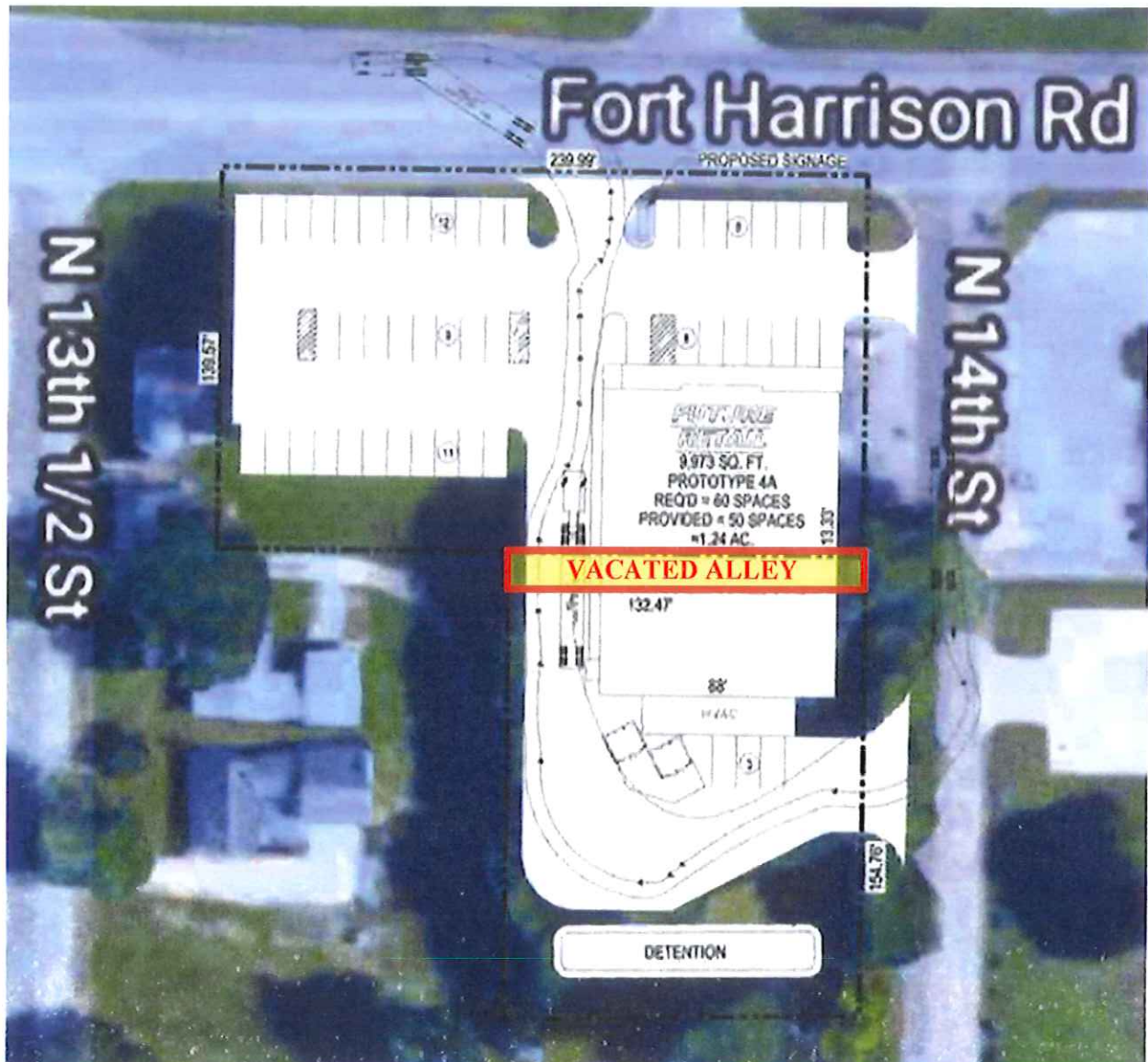
June 7, 1999

Vigo

This instrument prepared by *J. A. Lind*
Jeffery A. Lind, Attorney
COX, ZWERNER, GAMBILL & SULLIVAN
Tax Duplicate sent to Grantor Address 1761 Fort Harrison Road
Terre Haute, IN 47804

SPECIAL ORDINANCE NO. 3, 2018
SITE PLAN

Portion of Vacated Alley North of 3214 N. 14th Street
Terre Haute, Indiana 47804



Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 04.04.18

Name: Elean & Assoc. - Rezoning

Reason: Rezoning - SD 3, 2018 - Alley Vacat

Per: Wright, Shagley & Howery, PC

Cash: _____

Check: \$5.00 #068298

Credit: _____

Total: \$5.00

Received By: [Signature]

TERRE HAUTE, IN
PAID
APR 04 2018
CONTROLLER